

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

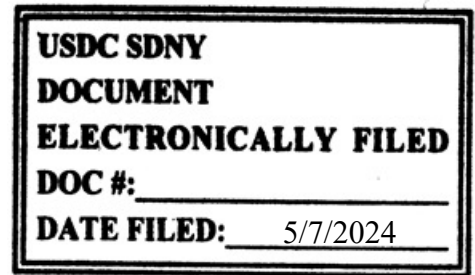
HOPETON FRANCIS,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.



24-CV-02530 (MMG)

ORDER OF SERVICE

MARGARET M. GARNETT, United States District Judge:

Plaintiff, who currently is incarcerated at the Eric M. Taylor Center on Rikers Island, brings this action, *pro se*, under 42 U.S.C. § 1983, alleging that Defendants denied him adequate medical care. By Order dated April 10, 2024 (Dkt. No. 5), the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff may supply sufficient information to permit the New York City Law Department to identify EMTC Captain John Doe. Accordingly, it is hereby ORDERED that the New York City Law Department, which is the attorney for and agent of the New York City Department of Correction, ascertain the identity and badge number of the John Doe whom Plaintiff seeks to sue here and the address where the defendant may be served.² The New York City Law Department must provide this information to Plaintiff and the Court within **sixty days of the date of this Order**.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendant. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this Order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order asking Defendant to waive service.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).


² If the Doe defendant is a current or former DOC employee or official, the New York City Law Department should note in the response to this order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If the Doe defendant is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the New York City Law Department must provide a residential address where the individual may be served.

Finally, the Clerk of Court is respectfully directed to notify the New York City Department of Correction and the New York City Law Department of this Order. The Court requests that Defendants City of New York, Deputy Salmon, Nurse Administrator Mrs. Colette, and Officer Garcia waive service of summons.

The Clerk of Court is further directed to: (1) mail a copy of this Order and the complaint to the New York City Law Department at: 100 Church Street, New York, N.Y. 10007; and (2) mail an information package to Plaintiff.

Dated: May 7, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge